

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CESARIO VIZCARRA MEDINA,

Plaintiff,

v.

CDCR, *et al.*,

Defendants.

Case No. 1:22-cv-00764-ADA-EPG (PC)

ORDER FOR THE WARDEN OF  
CORCORAN STATE PRISON TO SHOW  
CAUSE WHY HE OR SHE SHOULD NOT  
BE SANCTIONED FOR FAILURE TO  
COMPLY WITH A COURT ORDER

THIRTY-DAY DEADLINE

ORDER DIRECTING CLERK TO SEND A  
COPY OF THIS ORDER TO SENIOR  
ASSISTANT ATTORNEY GENERAL  
MONICA N. ANDERSON, THE WARDEN  
OF CORCORAN STATE PRISON, AND THE  
LITIGATION COORDINATOR AT  
CORCORAN STATE PRISON

ORDER EXTENDING THE DEADLINE FOR  
PLAINTIFF TO FILE A MOTION TO  
SUBSTITUTE NAMED DEFENDANTS IN  
PLACE OF DOE ISU OFFICERS 1-3

Cesario Vizcarra Medina ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff's Eighth Amendment excessive force claim against Doe ISU Officers 1-3. (ECF Nos. 1, 6, 7, & 9).

On August 8, 2023, the Court issued an order granting Plaintiff's motion to compel

1 Corcoran State Prison's response to Plaintiff's subpoena *duces tecum* requesting documents  
2 identifying Doe ISU Officers 1-3. (ECF No. 25). The order stated:

3 While it appears that Corcoran State Prison has objected to the subpoena by an  
4 affidavit that indicates no responsive records were found, the Federal Rules of  
5 Civil Procedure allow the party who issued the subpoena to file a motion to  
6 compel. *HI.Q, Inc. v. ZeetoGroup, LLC*, Case No: 22cv1440-LL-MDD, 2022 WL  
7 17345784, at \*5 (C.D. Cal. Nov. 29, 2022) ("If a nonparty serves timely objections  
8 to a subpoena duces tecum, the issuing part may obtain an order from the district  
9 court where compliance is required compelling production or inspection pursuant  
10 to Rule 45(d)(2)(B)(i)."). As there has been no response or opposition from  
11 Corcoran State Prison, the Court will grant Plaintiff's motion to compel.

12 (*Id.*, pp. 3-4). The Court ordered Corcoran State Prison "to produce all documents that identify, or  
13 that may reasonably help Plaintiff identify, the Doe ISU officer(s) involved in this incident" and  
14 to file a notice of compliance within thirty days. (*Id.*, p. 4). The Court also ordered Corcoran State  
15 Prison to "file a response indicating what efforts were undertaken to search for the documents and  
16 facts supporting its assertion that no responsive documents exist" if Corcoran State Prison  
17 believes that there are no responsive documents to Plaintiff's subpoena. (*Id.*) A copy of the  
18 Court's order was sent to both the Litigation Coordinator at Corcoran State Prison and the  
19 Warden of Corcoran State Prison.

20 To date, Corcoran State Prison has not filed a notice of compliance or a response  
21 indicating that no responsive could be found and the deadline to do so has passed. Accordingly,  
22 the Court will order the Warden of Corcoran State Prison to show written cause why he or she  
23 should not be sanctioned for failing to comply with the Court's order.

24 Based on the foregoing, IT IS ORDERED as follows:

- 25 1. The Warden of Corcoran State Prison shall show cause why sanctions should not  
26 issue for the Warden's failure to comply with the Court's August 8, 2023, order  
27 requiring Corcoran State Prison to either file a notice of compliance or response  
28 within the applicable deadline. The Warden shall file a written response explaining  
why he or she failed to follow the Court's order by no later than October 25, 2023.
2. In light of the fact that the Court has not received any indication as to whether  
Plaintiff has or has not been provided with documents that identify the names of  
the Doe ISU Officers described in Plaintiff's complaint, the Court will extend the  
deadline for Plaintiff to file a motion substituting named defendants in place of

1 Doe ISU Officers 1-3. Plaintiff shall file such a motion within sixty days of this  
2 order.

- 3 3. The Clerk of Court is directed to serve a copy of this order on Senior Assistant  
4 Deputy Attorney General Monica N. Anderson, the Warden of Corcoran State  
5 Prison, and the Litigation Coordinator at Corcoran State Prison.

6 IT IS SO ORDERED.

7 Dated: September 25, 2023

8 /s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE